

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

September 15, 2015

Lyle W. Cayce  
Clerk

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No. 14-40814  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RUBEN MARTINEZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:12-CR-161

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Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Ruben Martinez appeals his guilty-plea conviction for conspiracy to possess with intent to manufacture and distribute methamphetamine, for which the district court sentenced him to 150 months of imprisonment. According to Martinez, the district court erred in denying his motion to withdraw his guilty plea based on its reliance on the factors outlined in *United States v. Carr*, 740 F.2d 339, 343-44 (5th Cir. 1984), to analyze his motion. We,

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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however, have recently reiterated the court's responsibility to consider the *Carr* factors, see *United States v. Harrison*, 777 F.3d 227, 234 (5th Cir. 2015), and his argument on that point is therefore unavailing. Martinez does not otherwise identify error in the district court's analysis of the *Carr* factors, and thus has waived such a challenge. See *United States v. Torres-Aguilar*, 352 F.3d 934, 936 n.2 (5th Cir. 2003). He fails to show that the district court abused its discretion in denying his motion to withdraw. See *United States v. Urias-Marrufo*, 744 F.3d 361, 364 (5th Cir. 2014).

Martinez likewise fails to provide legal or factual analysis of his claim that his trial counsel rendered ineffective assistance by failing to inform him that the district court lacked venue, by failing to inform him that he would receive the same sentence if he pleaded guilty on the day of trial as if he went to trial, and by "spoon [feeding]" him the answers to the district court's questions at rearraignment. Therefore, he has waived his ineffective assistance claim as well. See *Torres-Aguilar*, 352 F.3d at 936 n.2.

The judgment of the district court is AFFIRMED.